

An Administrative Business meeting of the Board of County Commissioners of Frederick County, Maryland ("Board") for Tuesday, June 22, 2004, was called to order at 8:34 a.m. by Commissioner John L. Thompson, Jr., *President*. Present were Commissioners Mike Cady, *Vice President*, John Lovell, Jr., Jan Gardner and Bruce Reeder. Also present were Doug Browning, County Manager; Robin Santangelo, Public Information Officer; and Deborah Smith, Recording Secretary.

*(Official Minutes of the Board of County Commissioners' meetings are kept on file in the County Manager's Office; the meetings are also recorded. To receive a copy of meeting minutes or meetings recorded on cassette tape or videotape, please contact the Board of County Commissioners at 301-694-1100 or visit the County web page at [www.co.frederick.md.us](http://www.co.frederick.md.us))*

## **PLEDGE OF ALLEGIANCE**

The meeting began with the Pledge of Allegiance.

## **ACTION ON THE AGENDA**

The agenda was adopted as presented.

## **ADMINISTRATIVE BUSINESS**

### **- Proposed Water and Sewer Plan Text Amendment – Commissioner Mike Cady**

Commissioner Cady opened a discussion regarding the staff reports received by the Board in preparation for the meeting. Wendy Kearney, Deputy County Attorney, Eric Soter, Division Director, Planning Division and Kevin Demosky, Acting Department Head, Engineering and Planning Department, Utilities and Solid Waste Management Division, presented to the Board the information in the staff reports.

Commissioner Gardner moved to direct the legal staff to "redline" the text amendment that Commissioner Cady had prepared for the meeting on May 6, 2004.

Commissioner Thompson indicated that the motion was out of order as other motions remained on the table from the meeting of May 11, 2004. The motions are included below in their entirety.

*Commissioner Gardner moved to amend the document in that*

*Community Sewer plants as noted in the text amendment be changed to publicly owned plants. Commissioner Thompson seconded the motion.*

*Commissioner Lovell moved to defer the vote on this matter until Tuesday, June 3, 2004, as an administrative business item in order that staff would be able to present information and to enable the Board to discuss the proposed amendment further.*

*Commissioner Cady seconded the motion .The vote was 4 – 1, with Commissioner Thompson opposed.*

Commissioner Gardner's motion from May 11, 2004 was brought back to the table. The vote was 3 – 2, with Commissioners Cady and Reeder opposed.

Using the proposed Frederick County Water and Sewerage Plan Text Amendment submitted by Commissioner Cady on May 11, 2004, the following motions were made.

Commissioner Gardner moved to amend the first sentence under RECITALS in the document to state,"...to address areas of failing septic systems throughout the County." Commissioner Thompson seconded the motion. The motion failed by vote of 2 – 3, with Commissioners Cady, Lovell and Reeder opposed.

Commissioner Gardner moved to amend the second paragraph by deleting the words "voted to recommend approval of the request" and replace with "and made a finding of consistency with the County's Comprehensive Plan." Commissioner Thompson seconded the motion. The motion failed by a vote of 2 – 3, with Commissioners Cady, Lovell and Reeder opposed.

Commissioner Gardner moved to amend the definition of areas of special concern to "areas in the County with wide spread septic system failures and areas limited to existing structures." Commissioner Thompson seconded the motion. The motion failed by vote of 2 – 3, with Commissioners Cady, Lovell and Reeder opposed.

Commissioner Gardner moved to define the area of special concern as being limited to the Lewistown Rural Community, as defined in the Frederick Region Plan, and limited to existing structures, except in the instance where future structures are needed for the future viability of the system. Commissioner

Reeder seconded the motion. The vote was 3 – 2, with Commissioners Thompson and Cady opposed.

Commissioner Lovell moved to strike, in the definition of special concern community plants, “at least five thousand (5,000) gallons per day of effluent” and replace it with “five thousand (5,000) gallons per day of effluent, or as needed, whichever is greater.” Commissioner Reeder seconded the motion. The vote was 3 – 2, with Commissioners Thompson and Gardner opposed.

Commissioner Gardner moved to change the definition of special concern community plants to special concern community facilities means a wastewater treatment plant or sewer treatment facility utilizing other technology for the treatment of wastewater to serve an area of special concern as identified on a water and sewer map. Commissioner Cady seconded the motion. The vote was 5 – 0.

The following changes to the document were made by unanimous consent for Chapter 1, Paragraph 8.

#### 8. Policies on Special Concern Community Plant [Facilities](#)

- Delete the first paragraph

- Keep (a) and (b), changing plant to “facility” in these paragraphs

- Strike (c)

- Re-number as needed

- Change (d) to **must** be publicly owned and operated

- Keep (e) as written

- Strike (f) and (g)

- Keep (h)

- Strike (i)

- Keep (j)

Commissioner Gardner moved to remove the designations as shown on the last page of the proposed legislation and direct staff to make a recommendation for alternate designations (remove the last page of the document) dealing with the new classifications. Commissioner Thompson seconded the motion. The motion failed, 2 – 3, with Commissioners Cady, Lovell and Reeder opposed.

Commissioner Cady presented a substitute motion that the document, with the amendments made to it, be referred back to the County Attorney staff to prepare a draft document to be presented to the Board within 30 days (before Thursday,

July 29, 2004). It was understood that Commissioner Gardner would not be in attendance at that meeting. Commissioner Lovell seconded the motion. The vote was 3 – 2, with Commissioners Thompson and Gardner opposed.

(The meeting was suspended for a break from 10:46 a.m. until 10:52 a.m.)

**Revised Resolution Denying Application of Estate of Richard B. Griffin, for Signature Purposes, Case #R-03-02 – Michael Chomel, Assistant County Attorney**

Attorney Chomel presented to the Board with a redlined copy of a proposed Resolution regarding the action taken by the Board regarding the application for rezoning of the Estate of Richard B. Griffin (Rezoning Case No. R-03-02).

Commissioner Gardner moved to adopt the red lined copy as presented by Attorney Chomel. Commissioner Lovell seconded the motion. The vote was 3 – 2, with Commissioners Cady and Reeder opposed.

**Energy Efficiency and Conservation Grant, Maryland Energy Administration – Austin Abraham, Division Director, Management Services Division**

Mr. Abraham presented a request that the Board accept a \$5,000 energy efficiency grant from the Maryland Energy Administration.

Staff recommended that the Board accept the grant funds of \$5,000 that would be added to the existing Winchester Hall East Wing HVAC/Fire Alarm Replacement CIP project. Staff requested that the Board approve BT-04-261, in order to utilize the funds.

Commissioner Reeder moved to approve staff's recommendation, including the approval of BT-04-261. Commissioner Gardner seconded the motion. The vote was 5 – 0.

**ADJOURN**

The meeting adjourned to worksession at 10:58 a.m.

Respectfully submitted,

Deborah A. Smith  
Recording Secretary